REMARKS

Claims 1-27 are currently pending in the subject application and are presently under consideration. Applicants' representative kindly thanks Primary Examiner Bill Thompson for the courtesies extended during the telephonic interview held on December 28th and December 29th, 2005. The substance of the interviews involved a discussion of the subject matter from claims 4, 5 and 6, that if incorporated into the independent claims would be allowable over the prior art. In light of the Examiner's suggestions, claims 4 and 9-25 have been canceled without prejudice or disclaimer and claims 1, 5, 6, 8 and 26 have been amended herein as shown on pages 2-5 of this Reply. In particular, independent claims 1, 8 and 26 have been amended to incorporate subject matter from dependent claims that is believed to be allowable.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I.   Rejection of Claims 1-27 Under 35 U.S.C. §103(a)

Claims 1-27 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kind (US Patent 6,415,434 B1) and further in view of Hopmann, et al. (US 6,944,642, hereinafter "Hopmann"). Withdrawal of this rejection is respectfully requested for at least the following reasons. Kind, alone or in combination with Hopmann, does not teach or suggest all features set forth in the subject claims.

> To reject claims in an application under §103, an examiner must establish a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) *must teach or suggest all the claim limitations.* The teaching or suggestion to make the claimed combination and the reasonable expectation of success must be found in the prior art and not based on the Applicants' disclosure. *See In re Vaeck,* 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

6

        Applicants' claimed invention relates to a system that facilitates interactions
between entities. Generally, where the entities have a mismatched data type with at least
one aspect in common, the mismatch can be resolved. The claimed subject matter can
provide several features not present in the cited references, *e.g.*, employing *metadata* to
identify aspects in common, resolving the mismatches by creating *a new data type that
includes the aspects in common* and allowing objects to be *incrementally extensible*. In
particular, amended independent claim 1 (and similarly independent claims 8, 9, 19, 23
and 26) recites, "a metadata reader that reads *metadata* associated with a resolvable data
type and identifies at least one common aspect in the resolvable data type, the resolvable
data type is *incrementally extensible*". In addition, independent claim 26 recites, "means
for resolving the mismatched data type *by producing a third object of a third data type*
during interaction between the two or more entities, the third data type is *incrementally
extensible* and comprises the at least one aspect common to the first data type and the
second data type". The references alone, or when combined fail to teach or suggest these
novel features.

        Kind relates to resolving *overloaded* methods of the *same* base class. (*See* col. 3,
line 32; line 48; col. 4, line 1). Kind discloses a resolver (*see* FIG. 1, item 104) that
receives a target method from a third party application (*see* col. 5, ll. 63-65), and retrieves
pre-defined methods from an application programming interface (API). (*See* FIG. 1, item
128; col. 5, ll. 30-32). Kind fails to teach or suggest "a metadata reader that reads
metadata associated with a resolvable data type and identifies at least one common
aspect in the resolvable data type, the resolvable data type is *incrementally extensible*".
Further, Kind fails to teach or suggest "means for resolving the mismatched data type *by
producing a third object of a third data type* during interaction between the two or more
entities, the third data type is *incrementally extensible* and comprises the at least one
aspect common to the first data type and the second data type".

        Rather, Kind teaches the resolver receives a target method to compare with all
methods of the target method class. If there is no exact match, then the resolver compiles
a list of candidate methods, returning the best method or generating an error if there is no
best method. (*See* FIG. 2, items 208-216). Therefore, Kind may compare variable types

of parameters between the target method (*e.g.*, a first data type) with the candidate methods (*e.g.*, a second data type) in order to choose the best method, but Kind does not *produce an object of a third data type*. Kind may further assign parameter attributes of the target method *via* inheritance or type conversion to cast the target method into the best candidate method (*see* col. 10, ll. 55-57); however, Kind returns the best candidate method, and the best candidate method is the second data type that pre-existed, not a newly created third data type. Kind does not contemplate creating an object of a third data type, but instead, can only convert a first data type into a second data type (*e.g.*, the best method data type). Accordingly, Kind does not teach or suggest means for resolving the mismatched data type *by producing a third object of a third data type* during interaction between the two or more entities, the third data type is incrementally extensible and comprises the at least one aspect common to the first data type and the second data type.

Moreover Kind neither contemplates that such a third data type can be *incremental extensible and comprises the at least one aspect common to the first data type and the second data type*, nor does the reference consider whether one data type, although not identical to a second data type, can still contain all the necessary items (*e.g.*, attributes, methods, interfaces) to support interaction with the second data type without loading the additional items into, for example, client memory (or loading only a subset of the items). Rather, Kind returns either an exactly matching method or a best method, neither of which is contemplated to be incrementally extensible. Further, the reference is silent on whether or not the attributes of the returned method can be loaded on an as-needed basis. Accordingly, Kind does not disclose or suggest means for resolving the mismatched data type *by producing a third object of a third data type* during interaction between the two or more entities, the third data type is *incrementally extensible* and comprises the at least one aspect common to the first data type and the second data type.

Accordingly, Kind fails to teach or suggest all the limitations recited in the subject claims. Hopmann, *et al.*, which relates to systems and methods for resolving a resource conflict so that the client copy of the resource can be updated to the servers does not cure the aforementioned deficiencies of Kind. Accordingly, the combination of Hopmann, *et al.* with Kind is materially deficient to teach or suggest all the claim features. Therefore,

8

the Examiner has failed to make a *prima facie* case for obviousness and this rejection of independent claims 1, 8, 9, 19, 23 and 26 as well as all claims that depend there from should be withdrawn.


CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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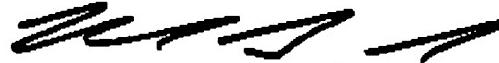
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